

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA :  
:  
-v- : 22-CR-305 (JMF)  
:  
NATHANIEL CHASTAIN, : MEMORANDUM OPINION  
Defendant. : AND ORDER  
:  
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JESSE M. FURMAN, United States District Judge:

Yesterday, the Government filed an additional motion *in limine* in this case, familiarity with which is presumed, seeking to preclude Defendant Nathaniel Chastain from asking OpenSea's CEO or any witness "their opinion about whether the prosecution is unfair or has negatively impacted the defendant's mental health." ECF No. 89. Later the same day, Chastain responded, opposing the Government's motion to the extent that it seeks to preclude questioning about whether the prosecution is unfair and seeking additional relief. *See* ECF No. 91. Chastain's letter also indicates that he intends to "submit a revised proposed *voir dire* to include certain questions regarding 'insider trading'" in light of the Court's rulings yesterday. *Id.* at 3.

Upon review of the parties' letters, the Government's motion is GRANTED. Put simply, the trial in this case is about whether Chastain committed the charged crimes; it is not about whether the prosecution is fair or unfair. Thus, any evidence or argument about the fairness or unfairness of the prosecution is completely irrelevant, not to mention improper for a host of Rule 403 reasons. Chastain's arguments to the contrary border on frivolous.

The Government should be prepared to address Chastain's requests for relief at the final pretrial conference tomorrow. Any request or proposal for additional *voir dire* — by either party — shall be filed in the form of a letter by **5 p.m. tomorrow, April 20, 2023**.

**By the same time**, the parties shall submit **by email** a joint updated list, in **Microsoft Word format**, of (1) anyone who should be introduced to prospective jurors during jury selection (namely, counsel and those who will be assisting counsel at trial); and (2) all witnesses and names or places that may be mentioned at trial.

The Clerk of Court is directed to terminate ECF No. 89.

SO ORDERED.

Dated: April 19, 2023  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge